

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
May 11, 2004
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Invocation was provided by Commissioner Proctor followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- The attached resolution was presented recognizing the men and women who are dedicated to saving lives of others by celebrating May 16 – 22, 2004 as Leon County Emergency Medical Services Week. The resolution was presented to Daniel Moynihan, EMS Chief; Scott Hill, Deputy Chief of EMS Operations, and Chad Abrams, Deputy Chief of Administration.
- The attached resolution was presented to Valeria Jean Carter, Chairman of the Tallahassee Trust for Historic Preservation, designating May 10-16, 2004 as National Historic Preservation Week. Commissioner Rackleff requested that a presentation be made to the Board at a future date.
- The attached resolution was presented to Dr. Norm Thagard, Executive Director of the Challenger Learning Center, to celebrate his induction into the U. S. Astronaut Hall of Fame. Dr. Thagard distributed invitations to the Board to participate in a simulated space mission, together with the City Commissioners.
- The attached resolution was presented to Landy Hayes and Akin Ritchie, recognizing the Volunteer Leon Youth Corps 2004 Volunteer of the Year Award in the non-profit organization/club category. The Youth Corp contributed 11,000 volunteer hours.
- The attached resolution was presented to County Attorney, Herb Thiele, designating the month of May as Civility Month. Mr. Thiele was encouraged to keep Commissioners on track so as to conduct meetings in a civil, courteous, and professional manner.
- Richard Ziegler, Leon County Animal Control Director, received the attached resolution designating May 17-21, 2004 as Dog Bite Prevention Week. Also present to receive the resolution were Alex Mahon, Leon County Health Department, representing the medical field; Amy Smith, USPS Customer Relations Representative; Howard Hussey, USPS Safety Representative, representing the US Postal Service; Tommy Johnson, Animal Control Officer.

- The attached resolution for "Cover the Uninsured" Week, May 9-15, 2004" was presented to Bob Hester, Leon County Health Department; J. R. Richards, CEO of Bond Community Health Center; and Mary Nzeribe, Executive Director of Neighborhood Health Services. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to adopt the resolution (retroactively). Commissioner Thael requested that the Advisory Board present an overview of the system at the next Board meeting.

Consent Agenda

Commissioner Proctor moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve the following consent agenda with the exception of Items 4 which was withdrawn from the agenda and Item 6, which was pulled for discussion and addressed below:

1. Approval of Minutes

The Board approved Option 1: Approve the Minutes of April 27, 2004 Regular Meeting.

2. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for May 11, 2004, and pre-approve payment of bills and vouchers for the period May 12, 2004 through May 24, 2004: \$ 6,381,774.15

3. Acceptance of Federally Funded Subgrant Agreement in the Amount of \$3,282,925 to Install Window Protection on Leon County Schools Used as Public Shelters

The Board approved Options 1, 2, and 3: 1) Accept the federally funded subgrant agreement in the amount of \$3,282,925 and authorize the Chairman to execute; 2) Designate the Emergency Management Director as the agreement representative and authorize the agreement representative to execute any modifications on behalf of the Board; 3) Approve the attached resolution and associated budget amendment request.

4. Consideration of Stormwater Utility Management Program

This item was removed from the agenda.

5. Ratification of Board Actions Taken at District 1 Community Meeting Held on April 20, 2004

The Board approved Option 1: Ratify the Board actions taken and staff assignments given at the April 20, 2004 District I Community Meeting.

(The following is a summary of the Board actions taken and directions given at the District 1 Community Meetings:

- Commissioner Thael moved, without objection, directed OMB to appropriate \$200,000 in the FY 2004-2005 budget for support of the Boys and Girls Club for Board consideration.
- Commissioner Proctor moved, without objection, to direct staff to schedule a joint County/School Board Workshop to discuss Bond and Wesson Elementary Schools.
- Commissioner Grippa moved, seconded by Commissioner Rackleff, to direct staff to bring forward an RFP to perform needs assessment for the Southside Women's Clinic.
- Commissioner Thael moved, seconded by Commissioner Rackleff, to direct staff to bring back an agenda item regarding recommendations for road widening and improvements on South Monroe Street and Woodville Highway, and requested staff look into renaming South Monroe Street, between Orange Avenue and Capital Circle Southwest, to Southside Boulevard.
- At the April 27, 2004 Board meeting, Commissioner Proctor requested staff to look into the renaming of South Monroe Street to extend from Gaines Street to Capital Circle Southwest, rather than Orange Avenue.
- Commissioner Grippa moved, seconded by Commissioner Sauls, to approve the mid-year funding request of \$2,500 for the Sports-My-Choice Tallahassee Eagles to travel to events in Tampa and Port St. Lucie, Florida.

See attached agenda request:

6. Request to Schedule Workshop on Banking Services for Thursday, May 27, 2004 at 4:00 p.m.

Commissioner Proctor pulled this item and advised that he had a conflict with the scheduled date due to end of school year field trip. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to request that Clerk Inzer reschedule the workshop for another date. *(Note: The Board reconsidered this item under Commissioner Proctor's Discussion time.)*

7. Ratification of Actions Taken at the April 27, 2004 Jail Population Workshop

The Board approved Option 1: Ratify the Board actions taken at the April 27, 2004 Workshop on Jail Population Management as described below:

(The Board held the workshop on April 27, 2004 to discuss the Public Safety Coordinating Council's 2003 Annual Report and recommendations regarding jail population management. Members of the PSCC, including the Chief Judge,

Public Defender, County Probation Director, and representatives from the Sheriff's Office, Police Department, Court Administration, Refuge House and Citizens' Task Force on over-representation of Blacks in the jail attended the workshop and participated in the discussion.)

(Following a lengthy Board discussion at the workshop on the issues brought forward in the PSCC Annual Report and Recommendations, the Board took the following action:

- Accept the PSCC's 2003 Annual Report and Recommendations
- Direct staff to bring back budget discussion items for expansion of current jail alternative programs for Board consideration during the Fiscal Year 2004/2005 budget hearings.)

8. Approval to Amend the Department of Environmental Protection (DEP) Pollutant Storage Tank Storage Compliance Verification Inspection Program Contract

The Board approved Option 1: Approve the amendment to the Department of Environmental Protection Pollutant Storage Tank System Compliance Verification Inspection Program Contract (GC511, Amendment 4) and authorize the Chairman to execute.

9. Ratification of Board Actions Taken at the April 27, 2004 Workshop on Animal Control Issues

The Board approved Option 1: Ratify Board actions taken and direction given at the April 27, 2004 Workshop on Animal Control Issues.

(On December 30, 2003, staff submitted a report to the Board regarding the euthanasia of animals at the Tallahassee-Leon Community Animal Service Center (ASC). This report prompted a request from the Board to hold a workshop to address, in more detail, euthanasia policies at the ASC, as well as the possibility of consolidation between City and County Animal Control and pet licensing. At the workshop on April 27, 2004, the board reviewed the material provided and listened to speakers concerning these issues. The Board directed the Chairman, at the next Mayor/Chair meeting, to address the issues of:

- The miscommunication between the City-run shelter and the animal rescue groups
- The idea of a third party review of Shelter operations;
- The consolidation of City and County Animal Control;
- Amending of the current Interlocal Agreement to provide for a dispute resolution provision therein, and report back to the Board

The Board took no action on the pet licensing at this time.)

10. Approval to Release the Performance Agreement and Bond for the Glen at Golden Eagle, Phase II and Accept a New Performance and Maintenance Agreement and Bond

The Board approved Options 1 and 2: 1) Approve the release of the March 26, 2002 Performance Agreement and Surety Device for the Glen at Golden Eagle, Phase II, in the amount of \$520,298; 2) Accept the performance and maintenance agreement and performance bond between Premier Construction and Development of Tallahassee, Inc., and Sandco, Inc., and the County in the amount of \$80,737 and authorize the Chairman to execute.

11. Acceptance of Maintenance Agreement and Surety Device for Ox Bottom Units 7, 8, and 9

The Board approved Option 1: Accept the two-year maintenance agreement and surety device for Ox Bottom Units 7, 8, and 9 in the amount of \$32,568 (as requested by the developer, Robert A. Campbell, Jr. and Shirley V. Campbell).

12. Acceptance of Status Report on Issues Relating to the Restructuring of Recreation Councils and Community Center Boards

The Board approved Options 1 and 2: 1) Accept the status report on issues relating to restructuring of recreation councils and community center boards and continue the recreation council and community center board restructuring process while pursuing a separate park facility license and management agreement with Little League Baseball and Softball; 2) Prepare a budget item to discuss grants-in-aid to recreation councils and community center boards in Fiscal Year 2004-2005 to offset increased fees to recreation participants due to increased operational cost responsibilities of the organizations. (Staff is proceeding with the restructuring of these groups to 501 c (3) non-profit organizations, which would require the organizations to acquire their own insurance policies separate from Leon County.)

General Business

13. Consideration of Proposed Escrow Agreement with Bradfordville-Phipps, Ltd. For Relocation of Avayalla Way

This agenda item is whether to approve the proposed Escrow Agreement between Bradfordville-Phipps, Ltd. ("Bradfordville-Phipps"), Target Corporation ("Target"), and Leon County to effectuate the relocation of Avayalla Way, as part of the Settlement Agreement between Bradfordville-Phipps and Leon County.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to approve Option 1: Approve the proposed Escrow Agreement and authorize the Chairman to execute.

14. Update on the Eastern Transmission Lines

This agenda item is a status report on the issues surrounding the Eastern Transmission line (ETL) proposed route. The agenda request explains the background history on the issue. The latest routes under consideration by the City are Route A (Weems/Mahan Route) and a route called AMG (which utilizes Dempsey Mayo Road, north to Miccosukee Road). This route would then parallel the north side of the Miccosukee Greenway, and cross back southeast to the proposed Mystic Warrior substation at a point east of I-10. This proposal would involve negotiations with Powerhouse Inc., the owner of Welaunee Plantation.

Previously, the Board directed County staff to formally object to any City plans that would utilize Route A unless the City agreed to place the lines underground. County staff has conveyed its objection to the City concerning that proposal. Further, County staff continues to monitor the City's plans for the development of this project. City staff is still in negotiations with Powerhouse, Inc.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to approve Option 1 with the addition as underlined: Accept the status report o the Eastern Transmission Line and that Commissioner Thael work with the City to resolve the issue. Commissioner Thael agreed to meet with City Commissioner Katz and indicated that they could work out something creative, realizing that this is a time-sensitive issue.

15. Acceptance of Status Report Regarding the Stormwater Permitting on the I-10 Widening Project in the Lake Jackson Drainage Basin

Due to the complexity of the issues surrounding the stormwater permitting of the I-10 widening project, staff is providing this status report to keep the Board updated on this project. The FDOT has determined that they cannot meet the Lake Jackson Basin retention standard. The FDOT's consultant has submitted what they consider a "best effort" stormwater treatment design, which reduces pollutant loading to Lake Jackson but does not meet the retention requirement of the Environmental Management Act (EMA).

Commissioner Thael moved and was duly seconded by Commissioner Maloy to approve Option 1: Accept the status report regarding the stormwater permitting on the I-10 widening project in the Lake Jackson Drainage Basin and have staff provide another status report on the final permitting approach.

Commissioner Thael emphasized the importance of doing the widening project in the correct manner and reminded the Board of the millions of dollars that has been spent to clean up Lake Jackson.

Commissioner Winchester discussed the difficulties encountered with FDOT's positions regarding meeting the Lake Jackson Protection Standard for the removal of pollutants and providing stormwater management prior to construction of the I-10 widening project. He pointed out that the County needs to protect Lake Jackson and specifically Meginnis Arm, where the majority of pollutants will go.

The agenda explains that staff has considered several approaches to handling the stormwater management facilities and will move forward with prioritizing permitting with the following four approaches: 1) Request FDOT to meet the Lake Jackson standard for the I-10 widening project within County jurisdiction; 2) Work with FDOT to further upgrade the level of water quality treatment provided to the I-10 widening project in the Lake Jackson Basin; 3) Continue to work with FDOT on the design submitted that does not strictly comply with the Lake Jackson standard to permit FDOT's best effort alternative stormwater design; 4) Work with FDOT to select retrofit stormwater projects within the Lake Jackson basin that would provide equivalent compensation for not meeting the Lake Jackson standard.

Commissioner Winchester indicated that Lake Jackson was like a North Florida Everglades and should be protected, and suggested adding a fifth approach: Have mitigation with FDOT on the re-routing of Livingston Road, and if FDOT has not provided the Environmental Impact Statement, determine the reason why.

The Board engaged in further discussion including the following:

- The County having a stronger voice on the issue
- The County developing a policy with FDOT
- Involving 1000 Friends of Florida
- Determine if there was a law passed in the 2003 Legislative Session that pre-empts FDOT from having to follow County codes

Commissioner Winchester indicated the need for a more unified City/County effort and publicly requested that Commissioner Grippa assist on this issue. Commissioner Grippa advised that he would set up a meeting with the Secretary of FDOT, himself, Commissioner Winchester, and hopefully, Mr. Prescott.

The motion on the floor carried unanimously, 6/0 (Commissioner Proctor out of Chambers).

The Board then entered Public Hearings, Item 17.

16. Approval of a Voluntary Waiver by Leon County to the City of Tallahassee for the Arvah B. Hopkins Generating Station

This agenda item involves approval of a voluntary waiver by Leon County, Florida, for the City of Tallahassee to temporarily install twenty-three (23) small (nominal 5.5 megawatts each) natural gas fired simple-cycle combustion turbines

at the Arvah B. Hopkins Generating Station. The agenda material explained that due to a generator failure at the Purdom Power Plan, scheduled for replacement in July 2004, the City of Tallahassee is requesting the County execute a Voluntary Waiver by Leon County. The City is concerned about the possibility of not having enough power to meet the needs of the community during the months of June and July. The installation of these 23 generators will be temporary and they will be removed once the Purdom Power Plan is back to full capacity. By executing the waiver, the City is in a better position to expedite the installation of the 23 small generators.)

Commissioner Thael moved and was duly seconded by Commissioner Maloy to approve Option 1: Approve the Voluntary Waiver by Leon County, Florida, stating that there are no objections to the post-certification amendment order or the proposed order modifying conditions of certification and waives the 21-day and 30-day review periods and authorize the Chairman to execute.

Commissioner Proctor stated that he was opposed to approving the waiver because the City utility rates are exorbitant particularly compared to other cities that have a higher cost of living. He urged the Board to look into this matter in detail. Commissioner Proctor wanted to know if there was a correlation between this item and the City's utility bills. County Administrator Alam responded that there was no correlation.

Commissioner Grippa indicated that the City's high utility costs was a serious problem, suggested looking at other sources, and having a dialogue with the City on this matter, particularly as it relates to County residents' paying surcharge on electricity which goes into the City's General Fund and resulting in possible dual taxation.

Commissioner Proctor suggested that a workshop be conducted on keeping Tallahassee/Leon County affordable and accessible to citizens. Chairman Sauls reported that she had sent a letter to the Mayor about a summit on this issue as requested by Commissioner Proctor at a previous meeting and apparently, one would be held in June.

The motion on the floor carried 6 – 1 (Commissioner Proctor voted in opposition).

17. Expirations, Vacancies and Appointments to Committees

Airport Gateway Corridor Advisory Committee: Commissioner Maloy appointed Chris Timmons. Commissioner Proctor continued his appointment.

Fort Braden Community Center Board of Directors: Commissioner Maloy appointed Robert Smith. Commissioner Sauls appointed Barbara Brown.

GEM Citizen's User Group: Commissioner Maloy appointed Dr. Charles Evans. Commissioner Proctor appointed Dr. David Jackson.

Lake Jackson Recreational Council: Commissioner Grippa appointed Rene Martinello.

Parks and Recreation Advisory Team: Commissioner Maloy appointed Gwen Simmons.

Science Advisory Committee: Commissioner Sauls appointed Ben Fusara.

Septic System Advisory Committee: Commissioners Maloy and Proctor continued their appointments.

The Board then went to Citizens to Be Heard.

Scheduled Public Hearings 6:00 p.m.

- Joint County/City Proclamation in Appreciation of Silvia Morell Alderman's 14 Years of Service as Legal Counsel to the Planning Commission

Chairman Sauls and City Mayor Marks presented the attached joint City/County Proclamation in appreciation of Silvia Morell Alderman's 14 years of service as legal counsel to the Planning Commission:

18. Joint City/County Public Hearing on Adoption of Cycle 2004-1 Comprehensive Plan Amendments

Pursuant to the attached legal advertisement, a joint public hearing of the Tallahassee City Commission and the Leon County Board of County Commissioners was conducted. This is the adoption hearing for Comprehensive Plan Cycle 2004-1 Comp Plan Amendments and the purpose of the hearing is to consider for adoption the amendments that were previously transmitted to the Department of Community Affairs.

Present were City Commissioners Marks, Katz, Gillum, Mustian, and Lightsey. County Commissioners present were Commissioners Sauls, Thael, Maloy, Proctor, Winchester, Rackleff, and Grippa. Also present were Assistant City Attorney Kathy Hurst and County Attorney Herb Thiele.

Jean Gregory, Land Use Planning, explained that all of the map amendments are joint and action would need to be taken. One text amendment, 2004-1-T-015, will require City action only.

Wayne Tedder, Planning Director, explained that the active Recreation Policies will need additional work from staff and the City and County adopted different

policies. He requested that the Commissions allow staff to form a users group, which would consist of City and County staff, GEM, and Planning Department, and membership to be reviewed by City Manager and County Administrator. The group would bring back a solution that would have a unified approach with one direction, and could be adopted by both the City and the County.

City Commissioner Katz moved, duly seconded by City Commissioner Lightsey and carried unanimously, to concur with staff (Mr. Tedder's) recommendation:

Aye: City Commissioners Katz, Lightsey, Gillum, Mustian
(Commissioner Marks was out of Chambers); County
Commissioners Sauls, Thaele, Maloy, Winchester and Rackleff
(Commissioners Grippa and Proctor were out of Chambers).

Nay: None

The following citizens appeared:

Carol Kio-Green, 4823 Sullivan Road, appeared regarding 2004-1-T-016 (Adds New Glossary Terms) and thanked the Commissions for reviewing the amendment. She stated that she hopes to bring further recommendations to the Board.

Paul Johnson, 537 Hickory Wood Drive, Crawfordville, Florida, appeared and stated that he is representing a non-profit organization entitled "Save Wakulla Springs." In February, the organization distributed a letter at the transmittal hearing regarding some map amendments that they felt would increase density and impervious surface and therefore increase pollution in the groundwater and Wakulla Springs. Mr. Johnson stated that he still has significant concerns regarding amendments that increase density. He does support Text amendment 12 which he feels is a good approach to planning although there is room for improvement to address karst features and underground stream shed that flows south to Wakulla County, and suggested improvements to the language. He referred to article in the Tallahassee Democrat that stressed the same points. Mr. Johnson remarked that a significant amount of Leon County pollution is reaching Wakulla County.

Neil Flecklenstein, 13093 Henry Beadel Road, expressed support for the present format for the conservation subdivision amendment (T-012) specifically in terms of its implementation within the urban fringe, land use category.

Charles Pattison, P. O. Box 5948, Executive Director for One Thousand Friends of Florida appeared and spoke in favor of conservation subdivision amendment; the appropriate version is a good planning tool. He stated that he would support the County working with FDOT. Commissioner Winchester stated that as the

conservation subdivision process is implemented, staff could determine in about a year the areas where it is working and where changes need to be made.

Commissioner Grippa moved, duly seconded by Commissioner Maloy to adopt the attached Leon County Ordinance Number 04-10, adopting amendments to the 2010 Tallahassee-Leon County Comprehensive Plan. The motion carried unanimously, 7/0.

Commissioner Mustian moved, duly seconded by Commissioner Gillum to adopt City Ordinance Number 2004-0-35, an ordinance of the City of Tallahassee adopting amendments to the 2010 Tallahassee-Leon County Comprehensive Plan providing for severability and conflicts and providing for an effective date.

Commissioner Lightsey noted that Text amendment 2004-1-T-014 (corridor management right of way preservation) has been made applicable only to Capital Circle. Since the City strongly suggested doing right of way preservation on additional roads in the long range transportation plan, Commissioner Lightsey suggested that this issue be worked on further by City and County staff, and bring it back to the MPO and hopefully find a solution.

Commissioner Winchester wanted to know if there were any long-range plans for reserving right of way for Orchard Pond Road or if there had been any recent discussions going on. Staff indicated that they were not aware of any.

The City vote on the motion on the floor carried as follows:

Aye: Commissioners Marks, Katz, Mustian, Lightsey, and Gillum
Nay: None

Commissioner Grippa inquired about the status of Welaunee Boulevard – he thought there was an agreement in place but learned that there is no agreement because the option expired in 2000. Mr. Tedder responded that from a land use prospective, all of Welaunee will have to come through the planned unit development process and at that time, Planning staff will design a road that is consistent with the critical area plan that has been adopted in the Comprehensive Plan. There are guidelines and framework to establish the roadway that is appropriate to the development patterns. Commissioner Grippa asked, since part of the development is in the County, would right of way purchase contain 230 feet of right of way, the same as other roads. Mr. Tedder responded that there are areas called town centers, which would require a narrow roadway for street parking. Through the PUD process, staff will identify the street segments that are more appropriate to the development patterns within the PUD.

Commissioner Thael recognized a special guest in the audience, Tom Pelham, former Secretary, Department of Community Affairs.

Commissioner Proctor suggested that County Commissioners should be able to introduce a comprehensive plan singularly. For the record, Commissioner Proctor stated that the current process is limp and should be empowered since each Commissioner has a legislative voice. Chairman Sauls indicated that the Commissions could bring this forward if they so desired.

Commissioner Grippa engaged in some discussion involving right of way needs and Planning staff referenced Policy 1.33T (future right of way needs).

There being no further business to come before the Joint Commissions, the meeting adjourned at 6:51 p.m.

See attached Leon County Ordinance 04-10:

The Board recessed at 6:51 p.m. and reconvened at 6:56 p.m.

19. First and Only Public Hearing on a Proposed Ordinance to Establish a Leon County Lot Mowing Ordinance

Pursuant to the following legal advertisement, a public hearing was conducted to establish code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, and shrubbery.

It was noted that the Board heard public testimony on April 27, 2004, but there was a glitch in the advertisement of the public hearing so the public hearing had to be re-advertised.

Commissioner Winchester moved to approve Option 1: Conduct the first and only public hearing and adopt the proposed Lot Mowing Ordinance to establish code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery.

The following citizens appeared:

Carol Kio-Green, 4823 Sullivan Road, appeared and expressed opposition to the proposed mowing ordinance and remarked that this not only involves property in subdivisions but also could involve urban areas. She indicated that some grassy areas are left high intentionally so horses can feed in the pasture. She pointed out that most residential areas have deed restrictions that cover overgrown lots.

Jim Stevenson, 4797 Lakely Drive, advised that the proposed ordinance would have a negative effect on some owners who wish to have a natural buffer for native plant, wildflowers, and wildlife.

Commissioner Winchester stated that the intent of the ordinance was to address public nuisances and safety issues, and an enforcement tool for overgrown and

abandoned lots that could inhabit snakes and rates, etc. in single family neighborhoods.

Jack Saltiel, 7769 Deepwood Trail, expressed opposition to the proposed ordinance and stated that a property owner should not be prohibited from leaving their property in a natural state. He stated that he owns 10 acres, which he keeps in a natural state and remarked that many manicured lawns are maintained with pesticides resulting in water pollution.

Donna Legare, 2239 Ellicott Drive, explained that she is co-owner of Native Nurseries, and recommended that language be inserted in the ordinance that would allow for "intentionally designed native landscapes." She reported that she has received calls from residents who are concerned about the proposed mowing ordinance.

County Attorney Thiele stated that if the Board wishes to make the modification in the ordinance suggested by Ms. Legare, it should be inserted under Section 14-41, in the first line after "excessive accumulation of weeds, grass, and shrubbery" - insert the language "except for intentionally designed native landscapes."

George E. Lewis, II, 203 N. Gadsden Street, #6, indicated that the proof of publication for the public hearing should have been put in the agenda material. He suggested that the proposed ordinance would have unintended consequences and mentioned the following:

- Mowing does not eliminate vermin
- Section 14-46 does not cover lots encumbered by conservation easements – to avoid the effect of the ordinance, a person could dedicate a conservation easement to another family member
- There are State Statutes to address this issue
- Section 14-42 (prohibition) refers to land, not lots, parcels, or premises
- Does the mowing ordinance apply to Lake Jackson lakebed
- Problems with mowing rights of ways

Becky Subramanyam, 1257 Cornerstone Lane, referenced the "Analysis" section in the agenda request and noted that neither the Code Enforcement Board nor the GEM Citizens' User Group support this ordinance. She remarked that the County should be looking at vegetative corridors to keep wildlife from entering yards and that erosion could actually occur where property is mowed.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to adopt the ordinance, Option 1, and to create a citizen user group or committee that would work with staff in developing language for an ordinance amendment that would define "intentionally designed natural landscape area," and/or "use of native species and land stewardship" and the committee would bring back the amendment in 3 – 6 months, and that the status of the ordinance be looked at in six months.

Following some discussion, the Board concurred to use this language in the ordinance and in six months review the language to make sure that it is working, and that there was no need for a citizen committee at this time.

The Board concurred to not formulate a citizen committee at this time, insert the language in the ordinance and in six months review the language to make sure that it is accomplishing what it was intended to do.

It was noted that staff would not be actively looking for areas that needed mowing but would respond on a complaint basis. Commissioner Winchester pointed out that staff would be capable of responding to a complaint and viewing the site and make a determination if the site were a public nuisance as opposed to a naturally planned landscaped area. He pointed out that neighborhoods decline in value when they are located adjacent to dilapidated lots.

Commissioner Rackleff voiced concern that a disagreeable or vindictive neighbor could voice a complaint regarding a neighbor with high grass. County Attorney Theile explained that the Code Enforcement Board could make a determination and a complaint could be appealed.

The Chairman restated the motion on the floor:

Approve Option 1 with the amendment: Conduct the first and only public hearing and adopt the proposed lawn mowing ordinance to establish code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery with the amended language in Section 14-41, in the first line after "excessive accumulation of weeds, grass, and shrubbery," insert the language "except for intentionally designed native landscapes; and that the ordinance would be reviewed in six months.

Commissioner Proctor indicated that there were so few complaints that it is not necessary to establish an ordinance.

The motion on the floor as clarified by the Chairman carried 4 – 2 (Commissioners Proctor and Maloy voted in opposition, and Commissioner Grippa was out of Chambers).

See attached Leon County Ordinance Number 04-11:

20. Second and Final Public Hearing on the Repeal of Ordinance No. 04-09, Re-vesting of Conceptually Approved PUDs

Pursuant to the following legal advertisement, the second and final public hearing on a proposed ordinance to repeal Ordinance 03-09, Re-vesting of Conceptually Approved Planned Unit Developments (PUDs). (On April 27, 2004, the Board conducted a public hearing and voted to approve Option 1, which was to adopt the

proposed ordinance. However, there was an error in the title of that agenda item showing one public hearing when actually two public hearings were required to adopt this ordinance.)

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Grippa was out of Chambers), to approve Option 1: Conduct the second and final public hearing and adopt the attached Leon County Ordinance Number 04-12 repealing Ordinance 03-09, Revesting of Conceptually approved PUDs:

The Board then entered discussion of Item 16.

Citizens to Be Heard on Non-Agendaed Items (6-minute limit)

- a. Robert George, 4311 Rockingham Road, appeared and explained that his 10-year old son cannot play in the County's Youth Football Program because of his size. He pointed out that the Big Bend Football League in some surrounding towns allow children that are over the size limit to play youth football with the exception that they cannot advance the football. Mr. George advised that he has provided Paul Cozzie, Director of Parks and Recreation, with the rules from the Big Bend Football League and asked that the Board review and consider a mechanism that would allow these kids to participate in the upcoming year.

Commissioner Winchester moved and was duly seconded by Commissioner Grippa to agenda this item and request that Paul Cozzie review the item. County Administrator Alan explained that Parks and Recreation could possibly accomplish this in-house, but if not, it would be brought back to the Board.

Commissioner Winchester withdrew the motion.

- b. Althemese Barnes, 2619 Summerwood Avenue, appeared representing the Riley Center/Museum and requested \$105,000 in assistance from the Board to support Lake Hall School Acquisition and Restoration Project. It was noted that Dave Lang and Shirley Gooding Butler were in the audience representing the Riley Foundation Board and supported the project. Ms. Barnes explained that the project seeks to restore the one-room Negro schoolhouse for use as a museum, cultural community center, and cultural trail with focus on early-American education and history in Leon County. She circulated pictures of the schoolhouse and the surrounding site.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Chairman Sauls out of Chambers), to agenda this item during budget discussions and directed staff to work with the Tourist Development Council (TDC), Cultural Resource Commission (CRC), and the County's Office of Management and Budget (OMB) to come up with the \$105,000. In addition, the Board requested the Chairman to send a letter to Ms. Glenda Hood, Secretary of State, indicating the County's interest in the project.

- c. Lila Richardson, 3017 Baron Lane, Crown Ridge Estates Homeowners Association, distributed copies of signed petitions from Bishop Road residents requesting the Leon County Tax Collector's and the County to begin the process of researching the need to secure a government/County grant to assist the residents of Crown Ridge Estates with their property taxes. Ms. Richardson explained that due to paving of the road and assessment lien, the property taxes are assessed too high for the residents to pay and some residents will lose their homes and be forced to move. She pointed out that when the road was paved and

liens assessed, it was too late for the residents to voice complaints about the high cost of paving the road.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to direct the County Grants Coordinator to look into a governmental or private sector grant to assist a community such as Crown Ridge and work in collaboration.

Ms. Richardson also requested that a sign be placed at the entrance to her neighborhood stating "No Dumping Trash." The Board directed Public Works to look at the issue; a report would be sent to the Board.

County Attorney

- a. County Attorney Thiele explained his Add-On agenda item: A request for authorization to file a Motion to Intervene as Amicus Curae, "Friend of the Court" brief, and Motion for Rehearing or clarification for both Leon County and Florida Association of Counties in the case of Lee Ellen Dascott v. Palm Beach County. The issue is whether the Sunshine Law should be applied when government officials, such as the County Administrator, meet with others to discuss suspending or terminating an employee.

Commissioner Grippa moved and duly seconded by Commissioner Thael to authorize the County Attorney to file an Amicus Curae brief.

Commissioner Proctor suggested the following language on page 2, top two lines, "disciplines its employees and could challenge in like manner" be deleted. The County Attorney took note.

The motion carried 4 – 1 (Commissioner Proctor voted in opposition and Commissioners Winchester and Maloy were out of Chambers).

- b. County Attorney Thiele circulated material which informs the Board that the First District Court of Appeals has ruled in favor of Leon County regarding the *Leon County v. Gluesenkamp* case (No. 02-4658), "because the trial court erred in ruling that the County breached the Development Agreement and that a temporary taking had occurred pursuant to Lucas, we reserve both the Partial Final Judgement and the Final Judgment and remand for further proceedings." (The case will return to the trial court where the County will request a Final Judgment in favor of Leon County.)
- c. County Attorney Thiele discussed the Lake Carolyn Homeowner's Association (LCHOA) Settlement Agreement and distributed copies.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Winchester and Thael were out of Chambers),

to waive the Rules of Procedure and allow discussion and action on the settlement agreement.

Mr. Thiele and Commissioner Grippa provided a summation of the settlement agreement provisions including the following:

- LCHOA will dismiss all remaining lawsuits and the attorney representing Lake Carolyn Homeowners cannot represent any client regarding Bradfordville issues for a period of five years
- Leon County will pay up to \$550,000 for the clean up of the pollution in the lake system (Lakes Jeff, Carolyn and Anna)
- Leon County will pay \$99,900 for legal fees and costs within thirty (30) days of execution of the agreement
- LCHOA (officers and directors) will execute a General Release
- Provides for general releases by all of the parties and resolves any and all other claims that were pending

Commissioner Proctor questioned the timing of voting on an agreement that was just distributed to the Board tonight and voiced concern about the cost of prevailing in the Bradfordville cases. It was noted that the settlement agreements involving Bradfordville, which included engineer costs, drawings, contractors, materials, etc. was approximately \$600,000. Commissioner Proctor stated, for the record, Section 8 in the Comprehensive Plan and the promises the County made to the residents was the basis of the lawsuit involving Bradfordville. He added that Section 8 was taken out of the Comp Plan; the settlement agreements took over and recommended that a letter be provided from the opposing council stating that they would "hold harmless" the County. Commissioner Proctor suggested that there is always the possibility of a breach of contract.

Commissioner Grippa moved and was duly seconded by Commissioner Thael, to approve the settlement agreement with Lake Carolyn Homeowners Association. Following some discussion, Commissioner Grippa amended his motion to include the agreement that Ms. Denker agreed to and that general releases be signed by the parties and included prior to payment of attorney's fees. (This involves language that Ms. Denker, counsel for LCHOA, Commissioner Grippa, and Assistant County Attorney VanWyke worked out. Commissioner Grippa explained that Ms. Denker would not file a lawsuit within five years on Bradfordville issues unless she is representing her existing client.) The motion carried 4- 1 (Commissioner Proctor voted in opposition and Commissioners Maloy and Winchester were out of Chambers.)

County Administrator

- a. Announced that a video of Leon County's EMS operations will be shown on Comcast Channel 16 on Tuesdays, beginning on May 11, 2004

- b. Requested that the Board authorize the contribution of a \$1,000 match to the FAC College Scholarship available to County employees' children. County Administrator Alam recommended that the \$1,000 match be paid out of the County Administrator's budget (travel funds), if there are no educational funds available. The Board concurred and expressed gratitude to Mr. Alam.

Discussions by Commissioners

Commissioner Grippa

- a. On behalf of Commissioner Winchester, Commissioner Grippa requested that the County consider grant funding for the purchase of lots in flood plain areas before the County issues building permits. (It was noted that lots near flooded areas were about to be permitted for construction.)

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Maloy and Winchester were out of Chambers), to agenda this item.
- b. Requested a resolution designating June 3, 2004 as National Hunger Awareness Day.
- c. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 5/0 (Commissioner Maloy and Winchester were out of Chambers), to direct the County Attorney to bring back information on unlawful delegation of legislative authority, specifically as it relates to Blueprint 2000 (Water Quality) and MPO (Bicycle/Pedestrian Master Plan). The motion carried 5-0 (Commissioners Maloy and Winchester out of Chambers).
- d. Requested that staff research the County's responsibility and liability regarding building a park on a landfill and recommended that they work with George Smith of Environmental Risk Solutions. Commissioner Grippa suggested that Brownfields and Cascade Park also be included.
- e. Requested that staff submit an informational report on the use of Open Grade Hot Mix (OGHM) for roads versus Open Grade Coal Mix (OGCM).

Commissioner Proctor

- a. Suggested that a preview of the budget take place as soon as possible. Alan Rosenzweig, OMB, explained that a budget workshop is scheduled for June 8, 2004 and anything prior to that would not give a true revenue picture.
- b. Remarked about his irritation with the Comprehensive Plan amendment process because he felt that it kept Commissioners from exercising their legislative prerogative since Commissioners cannot file a comp Plan amendment.

Commissioner Proctor stated that some residents could not afford to request Comp Plan Amendments.

Commissioner Proctor moved and was duly seconded by Commissioner Grippa to agenda the issue of individual Commissioners being able to bring forward Comp Plan amendments. Commissioner Thael pointed out that he feared there would not be enough staff to provide the analysis if individual commissioners brought amendments without having a majority vote. After further discussion, Commissioner Proctor withdrew his motion.

- b. Requested that staff bring back the Bethel CDC agenda item before the budget process begins.
- c. Requested a resolution for Pat McGowan, Director of Small Business Development Center.
- d. Commissioner Proctor moved to continue with the Banking Services Workshop on May 27th but have the Board meet with Clerk Inzer on May 25 to discuss the language of the RFP on banking services. The motion failed for lack of a second.

Commissioner Proctor engaged in discussion about how the bank that the Clerk has been doing business with has done little for the community as it relates to mortgage loans in the Southern Strategy.

Commissioner Proctor moved, duly seconded by Commissioner Grippa and carried 4 – 1 (Commissioner Thael voted in opposition and Commissioners Maloy and Winchester were out of Chambers), to reconsider Agenda Item 6 (Schedule Workshop on Banking Services).

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 5/0 (Commissioners Maloy and Winchester were out of Chambers), to keep the Banking Services Workshop scheduled for May 27 at 4:00 p.m. but request the Chairman to contact Clerk Inzer about rescheduling to a more convenient time for the Board. Chairman Sauls will contact the Clerk tomorrow.

Commissioner Rackleff

Reported that he was continuing to work on the issue of the County importing drugs from Canada, which looks promising, and stated that the information would be ready for the next Board meeting.

Commissioner Thael

- a. Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried 4 – 1 (Commissioner Proctor voted in opposition and Commissioners Maloy and Winchester were out of Chambers), to direct staff to conduct an analysis and identify available land along the Ochlocknee River for possible County purchase to be used to protect water quality, and then agenda the item.

Commissioner Thael remarked that land may be for sale from Lake Talquin and suggested that staff work with the Nature Conservancy, Florida Trust For Public Lands, and Gadsden County since they have an interest in participating with Leon County in attempting to preserve the watershed along both sides of the river. Commissioner Thael offered to assist to in contacting the agencies.

- b. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioner Maloy and Winchester were out of Chambers), to agenda a staff analysis on the level of coordination and collaboration efforts between Blueprint 2000, Cultural Resource Commission and the Community Redevelopment Agency on downtown initiatives that impact businesses and neighborhoods. Commissioner Thael opined that there should be a process whereby all three entities should have some interconnectivity.
- c. Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioner Maloy and Winchester were out of Chambers), to schedule for budget discussions the issue of instructing the CareNet Program to provide \$18,000 to the Healthy Start Coalition Infant Mortality Program.
- d. Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioners Maloy and Winchester were not present), to schedule for budget discussion, the appropriation of an additional \$25,000 for the Summer Youth Employment Program.
- e. Distributed information on the FAC Annual Conference, June 22-25, 2004 and urged Commissioners and staff to participate.

Commissioner Sauls

- a. Requested a resolution for Merle Ladd, retiring from the County Emergency Management Division. Commissioner Grippa moved and was duly seconded by Commissioner Thael to approve the resolution, and the Board concurred.
- b. Requested a resolution for Small Business Week to be presented at the Small Business Recognition Luncheon on May 19, 2004 at the Civic Center. The Board concurred and tickets for the luncheon are available through Agatha Salters.
- c. Advised that there were over 70 participants and over 8,600 pounds in the Hazardous Waste Roundup at the Ft. Braden site.
- d. Circulated an update on the incubator group issue as requested by Commissioner Grippa. A group made up of private businesses, Innovation Park, EDC, FSU, FAMU, and TCC are working on recommendations for an incubator. After the trip to Madison, Wisconsin, to look at a business incubator, the group will provide information.

There being no further business to come to the Board, the meeting was adjourned at 9:53 p.m.

APPROVED: _____
Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court